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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,410	03/27/2006	Elias Bitar	4590-489	2960

33308 7590 12/16/2008

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EXAMINER	
DAGER, JONATHAN M	

ART UNIT	PAPER NUMBER
3663	

MAIL DATE	DELIVERY MODE
12/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/573,410	BITAR ET AL.	
	Examiner	Art Unit	
	JONATHAN M. DAGER	3663	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see below.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Jack W. Keith/
Supervisory Patent Examiner, Art Unit 3663

With reference to arguments presented 21 November 2008, page 6, with respect to Applicant's arguments that the finalty of rejection was premature, the Examiner respectfully disagrees; while it may have been the Applicant's intention to amend the claim language to correct "formal issues", the Examniner maintains that the language was changed significantly enough to change the scope of the claimed embodiments. Thus, the Examiner reconsidered the rejection in light of the amended claimed language and prior art applied, and deemed a new search/grounds of rejection was necessary based on the results.

Claim 1 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Tran (US 5,892,462), and further in view of Zoraster (US 5,839,090).
Regarding claim 1, the Examniner has previously established that Tran has disclosed a base method and system which estimates the distances from a mobile object to the points of a map of a terrain over which the mobile object is moving. However, Tran does not explicitly disclose using the distance estimation as claimed.
Zoraster cures the deficiency, with respect to the claimed embodiments, in that it is taught by Zoraster the distance transforms and estimations by application of a chamfer mask to the multiple paths determined. The Examiner maintains that one of ordinary skill would be able to combine the methods in other fields of endeavor, simply substitute, or use the known methods of Zoraster into the invention of Tran to yield the predictable results, as claimed.

Combining prior art elements according to known methods to yield predictable results is a rationale to support a conclusion of obviousness. See MPEP 2143(A). Simple substitution of one known element for another to obtain predictable results will support a conclusion of obviousness. See MPEP 2143 (B). Use of known techniques to improve similar devices in the same way will support a conclusion of obvious. See MPEP 2143(C).
Thus, claim 1, as well as claims 2-4 and 6-10 remain rejected under 35 U.S.C. 103(a) for those reasons cited above, and those in prior office actions, which are incorporated herein.

Claims 5 and 11 remain rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tran (US 5,892,462) and Zoraster (US 5,839,090), as applied to claims 1-4 above, and further in view of Margolin (US 6,177,943) for those reasons cited above, and those in prior office actions, which are incorporated herein.